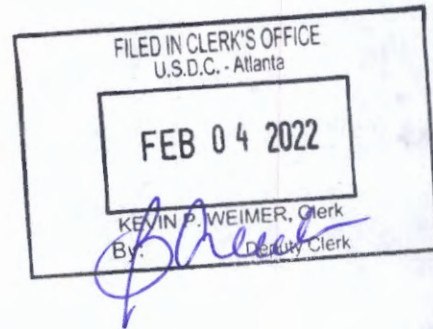


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA



MATTHEW SIMMONS,

Plaintiff,

CASE NO.: **1:22-CV-0450**

VS.

ALLY FINANCIAL INC.  
And ALLY BANK, et al.,

Defendants.

---

**COMPLAINT**

Plaintiff, Matthew Simmons alleges as follows:

**The Parties:**

1. At all times herein after mentioned, Plaintiff, Matthew Simmons is and was a resident of Atlanta, Georgia.

2. Defendant, Ally Financial Inc., (hereinafter "Ally") is a Limited Liability Company incorporated under the laws of Michigan and having a main office at 500 Woodward Avenue, 10<sup>th</sup> Floor, Detroit, Mi. 48226-3416 and has a registered agent: CT Corporation System, 711 Capitol Way South, Ste. 204, Olympia, Wa. 98501.

**Jurisdiction:**

3. This Court jurisdiction over this action pursuant to 15 U.S.C. §§1681 et seq., the “Fair Credit Reporting Act (“FCRA”) and 15 U.S.C. §§ 1692, 1692p, “Fair Debt Collection Practices” (“FDCPA”).

**Defendant’s Statutory Violations:**

4. The Defendant, Ally, continues to furnish derogatory and false information to NorthStar Location Services, phone number 1-855-211-4683 who continues to make harassing and threaten phone calls to Plaintiff on behalf of Defendant about the erroneous debt allegedly owe to Defendant in violation of the “FDCPA”.

5. The Defendant reported and continues to maintain and report derogatory information about Plaintiff in its files and records to the extent that Plaintiff owes Ally the amount of.

6. The Defendant also reported and continues to report derogatory and false information about Plaintiff to consumer reporting agencies (credit bureaus) as defined by 15 U.S.C. §1681a, creditors and businesses (Ex. “A”).

7. Plaintiff has disputed the accuracy of the derogatory information being maintained and reported by Defendant to credit bureaus on several occasions, yet Defendant has failed to correct its records nor notify the credit bureaus (Ex. “B”).



8. Defendant did not respond to Plaintiff's letters of dispute by providing evidence of the alleged debts and delinquencies to Plaintiff nor to the other credit bureaus.

9. Plaintiff advised Defendant and provided proof thereof that he was incarcerated at the time of the opening of the account(s) that formed the basis of the generation of the derogatory account and information (Ex. "B"), yet Defendant failed to correct its files and records considering the conclusive proof that the alleged debt is not Plaintiff's in violation of the FCRA.

10. Defendant did not notify Plaintiff of any determination that Plaintiff's dispute was frivolous within 5 days required by 15 U.S.C. §1681s-2 nor at any time.

11. Defendant did not provide notice of this disputed matter to the credit bureaus and is therefore in violation of 15 U.S.C. §1681s-which requires notice.

12. Defendant has failed to comply with 15 U.S.C. §1692g in that it has not within 15 days of Plaintiff initial written communication and latter communications send Plaintiff written documentation of the amount of the debt, the name of the original creditors nor other information required by the FCRA.

13. Because of Defendant's action, errors, inactions and omissions, Plaintiff has suffered loss of income, loss of deposits, loss of creditworthiness and has been denied credit, which has drastically affected his livelihood and lifestyle.

14. Defendant failed to complete an investigation of Plaintiff's written dispute and provide the results of an investigation to Plaintiff within the 30-day period as required by 15 U.S.C. §1681.

15. Defendant willfully failed to conduct a reinvestigation after Plaintiff submitted undisputed proof that the debt in question is not his thereby violating Plaintiff's right to reasonable investigation under the FCRA.

16. Plaintiff has been denied employment because of the Defendant's willful false reporting of negative information to the credit bureaus.

17. Plaintiff has and continues to suffer great financial loss because of the deliberate false reporting of the derogatory information by Defendant.

18. Plaintiff has been unable to obtain new credit as direct result of Defendant's reporting of derogatory information to the credit bureaus (Ex. "C").

19. Because of Defendant's willful violation of statutory standards Plaintiff has and continues to suffer mental and emotional distress requiring him to retain professional counseling.

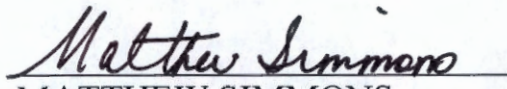
20. Because of Defendant's willful violations of statutory standards Plaintiff suffered and continues to suffer mental distress resulting in headaches, indigestion, and fitful sleep.



**WHEREFORE,** Plaintiff seeks judgment against Defendant for willful noncompliance of the FCRA and FDCPA and seeks his statutory remedies as defined in 15 U.S.C. §1681n and demands:

- (a) \$67,867 for actual damages;
- (b) \$100,000 in punitive damages;
- (c) permanent injunction against Defendant from further reporting and disseminating the negative information relating to the debt;
- (d) any other relief the Court deems just.

Dated: January 31, 2022  
Decatur, Ga.30033

  
MATTHEW SIMMONS  
3904 N. DRUIDHILLS RD, #224  
DECATUR GA 30033  
Email: matt32472@gmail.com

**EXHIBIT "A"**



**CREDIT FILE : July 14, 2021****Confirmation # 1195568401****Personal Identification Information** (This section includes your name, current and previous addresses, and any other identifying information reported by your creditors.)

Name On File: MATTHEW SIMMONS JR  
 Social Security # XXX-XX-7954 Date of Birth: March 24, 1972  
 Current Address: 6185 30TH CT S, SAINT PETERSBURG, FL 33712 Reported: 07/2021  
 Previous Address(es): 2833 47TH AVE S, SAINT PETERSBURG, FL 33712 Reported: 06/2019

Last Reported Employment: FAD STPETE;

**ALERT(s):** Extended Fraud Alert

Contact Information: Expiration Date: 01/25/2015; Date Reported: 01/25/2015;

**Consumer Statement (Credit grantors may view this statement when evaluating your credit) (This section allows the consumer a personal statement regarding their credit file.)**

Date Reported: 06/2019

The Statement/Alert Shown Below Expires On: 06/2029

THIS ACCOUNT WAS OPENED FRAUDULENTLY IN MY NAME I WAS INCARCERATED WHEN THEN ACCOUNT WAS OPENED I NEVER OPENED  
 THIS ACCOUNT NOR DID I GIVE ANYONE PERMISSION TO OPEN THIS ACCOUNT ON MY BEHALF

**Credit Account Information**

(For your security, the last 4 digits of account number(s) have been replaced by \*) (This section includes open and closed accounts reported by credit grantors)

**Account Column Title Descriptions:**

Account Number -	The Account number reported by credit grantor	Amount Past Due -	The Amount Past Due as of the Date Reported
Date Acct. Opened -	The Date that the credit grantor opened the account	Date of Last Paymnt -	The Date of Last Payment
High Credit -	The Highest Amount Charged	Actual Pay Amt -	The Actual Amount of Last Payment
Credit Limit -	The Highest Amount Permitted	Sched Pay Amt -	The Requested Amount of Last Payment
Terms Duration -	The Number of Installments or Payments	Date of 1st Delinquency -	The Date of First Delinquency
Months Frequency -	The Scheduled Time Between Payments	Date of Last Actvty -	The Date of the Last Account Activity
Months Reviewed -	The Number of Months Reviewed	Date Maj Delq Rptd -	The Date the 1st Major Delinquency Was Reported
Activity Designator -	The Most Recent Account Activity	Charge Off Amt -	The Amount Charged Off by Creditor
Creditor Class -	The Type of Company Reporting The Account	Deferred Pay Date -	The 1st Payment Due Date for Deferred Loans
Date Reported -	Date of Last Reported Update	Balloon Pay Amt -	The Amount of Final(Balloon) Payment
Balance Amount -	The Total Amount Owed as of the Date Reported	Balloon Pay Date -	The Date of Final(Balloon) Payment
Status -	Condition of Account When Last Updated by Creditor or Otherwise	Date Closed -	The Date the Account was Closed
<b>Account History Status Code</b>	1 : 30-59 Days Past Due 2 : 60-89 Days Past Due	5 : 150-179 Days Past Due 6 : 180 or More Days Past Due	J: Voluntary Surrender K: Repossession

**Please address all future correspondence to:**

www.equifax.com/personal/disputes



Equifax Information Services LLC  
 P.O. Box 740241  
 Atlanta, GA 30374



Phone: (800) 377-6568  
 M - F 9:00am to 5:00pm in your time zone.



<b>Descriptions</b>	3 : 90-119 Days Past Due 4 : 120-149 Days Past Due	G: Collection Account H: Foreclosure	L: Charge Off
---------------------	---	---	---------------

**JPMCB - CARD SERVICES PO Box 15298 Wilmington DE 198505298 : 8009452000**

Account Number			Date Opened		High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Designator	Creditor Classification		
426684153663*			05/21/2008		\$ 3,280	\$ 4,000		Monthly	28				
Date of Last Reported Update	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of 1st Delinquency	Date of Last Activity	Date Maj Del. 1st Reported	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
07/04/2021	\$ 1,449		07/2021		\$ 64		07/2021						

Status - Pays As Agreed; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Authorized User; ADDITIONAL INFORMATION - Credit Card;

Historical Account Information									
	Balance	Scheduled Payment Amount	Actual Payment Amount	Date of Last Payment	High Credit	Credit Limit	Amount Past Due	Type of Loan	Activity Designator
06/21	\$ 1,081	\$ 40		06/01/2021	\$ 3,280	\$ 4,000		Credit Card	
05/21	\$ 978	\$ 40		05/01/2021	\$ 3,280	\$ 4,000		Credit Card	
04/21	\$ 986	\$ 40		04/01/2021	\$ 3,280	\$ 4,000		Credit Card	
03/21	\$ 1,616	\$ 35		03/01/2021	\$ 3,280	\$ 4,000		Credit Card	

**AMERICAN EXPRESS PO Box 981537 El Paso TX 799981537 : 8008742717**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Designator	Creditor Classification					
-349992869876*	05/01/2021	\$ 6,863			Monthly	01							
Date of Last Reported Update	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of 1st Delinquency	Date of Last Activity	Date Maj Del. 1st Reported	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
06/24/2021	\$ 1,189						06/2021						

Status - Pays As Agreed; Type of Account - Open; Type of Loan - Credit Card; Whose Account - Authorized User; ADDITIONAL INFORMATION - Credit Card;

Historical Account Information									
	Balance	Scheduled Payment Amount	Actual Payment Amount	Date of Last Payment	High Credit	Credit Limit	Amount Past Due	Type of Loan	Activity Designator
06/21	\$ 1,189				\$ 6,863			Credit Card	
05/21	\$ 1,904				\$ 6,863			Credit Card	

**ALLY FINANCIAL PO Box 380901 Bloomington MN 554380901 : 8889252559**

(Continued On Next Page)



Account Number	Date Opened		High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Designator	Creditor Classification				
34092049*	01/31/2014				72 Months	Monthly	87						
Date of Last Reported Update	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of 1st Delinquency	Date of Last Activity	Date Maj Del. 1st Reported	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
04/30/2021	\$ 10,186	\$ 10,186	09/2015			05/2015		12/2015	\$ 10,186				

Status - Charge Off; Type of Account - Installment; Type of Loan - Auto; Whose Account - Individual Account; ADDITIONAL INFORMATION - Consumer Disputes After Resolution; Charged Off Account; Auto;

Account History with Status Codes	03/2021	02/2021	01/2021	12/2020	11/2020	10/2020	09/2020	08/2020	07/2020	06/2020	05/2020	04/2020	03/2020	02/2020	01/2020	12/2019	11/2019	10/2019	09/2019	08/2019	07/2019
	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
	06/2019	05/2019	04/2019	03/2019	02/2019	01/2019	12/2018	11/2018	10/2018	09/2018	08/2018	07/2018	06/2018	05/2018	04/2018	03/2018	02/2018	01/2018	12/2017	11/2017	10/2017
	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
	09/2017	08/2017	07/2017	11/2015	10/2015	09/2015	08/2015	07/2015	01/2015	12/2014	11/2014										
	L	L	L	3	2	2	1	1	1	1	1										

Historical Account Information		Balance	Scheduled Payment Amount	Actual Payment Amount	Date of Last Payment	High Credit	Credit Limit	Amount Past Due	Type of Loan	Activity Designator
06/21	No Data Available									
05/21	No Data Available									
04/21	\$ 10,186				09/01/2015			\$ 10,186	Auto	
03/21	\$ 10,186				09/01/2015			\$ 10,186	Auto	
02/21	\$ 10,186				09/01/2015			\$ 10,186	Auto	
01/21	\$ 10,186				09/01/2015			\$ 10,186	Auto	
12/20	\$ 10,186				09/01/2015			\$ 10,186	Auto	
11/20	\$ 10,186				09/01/2015			\$ 10,186	Auto	
10/20	\$ 10,186				09/01/2015			\$ 10,186	Auto	
09/20	\$ 10,186				09/01/2015			\$ 10,186	Auto	
08/20	\$ 10,186				09/01/2015			\$ 10,186	Auto	
07/20	\$ 10,186				09/01/2015			\$ 10,186	Auto	
06/20	\$ 10,186				09/01/2015			\$ 10,186	Auto	

(Continued On Next Page)



## Historical Account Information

	Balance	Scheduled Payment Amount	Actual Payment Amount	Date of Last Payment	High Credit	Credit Limit	Amount Past Due	Type of Loan	Activity Designator
05/20	\$ 10,186			09/01/2015			\$ 10,186	Auto	
04/20	\$ 10,186			09/01/2015			\$ 10,186	Auto	
03/20	No Data Available								
02/20	No Data Available								
01/20	\$ 10,186			09/01/2015			\$ 10,186	Auto	
12/19	\$ 10,186			09/01/2015			\$ 10,186	Auto	
11/19	\$ 10,186			09/01/2015			\$ 10,186	Auto	
10/19	\$ 10,186			09/01/2015			\$ 10,186	Auto	
09/19	\$ 10,186			09/01/2015			\$ 10,186	Auto	
08/19	\$ 10,186			09/01/2015			\$ 10,186	Auto	
07/19	\$ 10,186			09/01/2015			\$ 10,186	Auto	

**CAPITAL ONE / SAKS FIFTH AVE P.O BOX 31293 SALT LAKE CITY UT 84131 : 8006856695**

Account Number			Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Designator	Creditor Classification			
601601-754710*			05/29/2007	\$ 3,173	\$ 0		Monthly	42					
Date of Last Reported Update	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of 1st Delinquency	Date of Last Activity	Date Maj Del. 1st Reported	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
10/06/2012			09/2012	\$ 350	\$ 126		10/2012						

Status - Pays As Agreed; Type of Account - Revolving; Type of Loan - Charge Account; Whose Account - Individual Account;

**INDEPENDENT BANK 5050 Poplar Ave Memphis TN 381570101 : 9018440350**

Account Number		Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Designator	Creditor Classification				
2099128000001*		05/30/2009	\$ 41,180		75 Months	Monthly	29	Paid and Closed					
Date of Last Reported Update	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of 1st Delinquency	Date of Last Activity	Date Maj Del. 1st Reported	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
11/30/2011	\$ 0		09/2011				09/2011						09/2011

Status - Pays As Agreed; Type of Account - Installment; Type of Loan - Auto; Whose Account - Individual Account; ADDITIONAL INFORMATION - Closed or Paid Account/Zero

(Continued On Next Page)



Balance;

**A request for your credit history is called an inquiry. There are two types of inquiries - those that may impact your credit rating/score and those that do not.**

**Inquiries that do not impact your credit rating/score.**

*These are inquiries, for example, from companies making promotional offers of credit, periodic account reviews by an existing creditor or your own requests to check your credit file. They may remain on your file for up to 2 years.*

**Company Information - Prefix Descriptions:**

AM OR AR - Inquiries with these prefixes indicate a periodic review of your credit history by one of your creditors.  
 CAR RENT - Inquiries with this prefix are from rental car companies regarding debit card payment acceptance.  
 COLLECT - Inquiries with this prefix are for collection purposes and may be from the lender, a party collecting on the lender's behalf, or a company that purchased your debt.  
 CONS RPT - Inquiries with this prefix are from your requests for your own report or requests you have authorized as part of a service or product.  
 DDA - Inquiries with this prefix relate to a review of your consumer report for the opening of a deposit account.  
 EMPL OR ND EMPL - Inquiries with this prefix indicate an employment inquiry.  
 EQUIFAX OR EFX - Inquiries with these prefixes indicate Equifax's activity in response to your contact with us for a copy or your credit file or a research request.  
 FIN PLAN - Inquiries with this prefix relate to a review of your consumer report for financial counseling or planning.  
 INS - Inquiries with this prefix are from insurance companies regarding a review of your consumer report for insurance underwriting purposes.  
 MEDICAL - Inquiries with this prefix are from medical service providers.  
 ND - Inquiries with this prefix are general inquiries that do not display to creditor grantors.  
 ND MR - Inquiries with this prefix indicate the reissue of a mortgage credit report containing information from your Equifax credit file to another company in connection with a mortgage loan.  
 NON APPL - Inquiries with this prefix are used when companies review the consumer report of a spouse who is not a co-applicant.  
 PR - Inquiries with this prefix indicate that a creditor reviewed your account as part of a portfolio they are purchasing.  
 PREQAUTO - Inquiries with this prefix are used when you have provided consent to be prequalified for an auto loan or lease.  
 PREQCARD - Inquiries with this prefix are used when you have provided consent to be prequalified for a credit card.  
 PREQCOMM - Inquiries with this prefix are used when you have provided consent to be prequalified for telecommunications products or services.  
 PREQHE - Inquiries with this prefix are used when you have provided consent to be prequalified for a home equity loan or line of credit.  
 PREQIL - Inquiries with this prefix are used when you have provided consent to be prequalified for an installment loan other than auto, mortgage or home equity.  
 PREQINS - Inquiries with this prefix are used when you have provided consent to be prequalified for an insurance quote.  
 PREQMTG - Inquiries with this prefix are used when you have provided consent to be prequalified for a mortgage loan.  
 PREQOD - Inquiries with this prefix are used when you have provided consent to be prequalified for an overdraft line of credit.  
 PREQ - Inquiries with this prefix are used when you have provided consent to be prequalified for credit or services, not specific to auto, credit card, telecommunications, home equity, installment loan, insurance, mortgage or overdraft services.  
 PRM - Inquiries with this prefix indicate that only your name and address were given to a credit grantor so they can provide you a firm offer of credit or insurance.  
 REFRESH - Inquiries with this prefix relate to the use of a consumer report in the period of time between underwriting and closing of a mortgage loan to ensure no new debt is identified.  
 SUPPORT - Inquiries with this prefix are used by a social service agency related to a government benefit or child support.  
 UTILSERV - Inquiries with this prefix are used when requesting utility services.



Company Information	Inquiry Date(s)
CREDIT KARMA INC Unknown 760 Market St Fl 10 San Francisco CA 941022300	07/06/2021
CREDIT KARMA, INC 760 MARKET ST SAN FRANCISCO CA 94102-240	07/11/2021 07/07/2021 06/29/2021
NAVY FCU 820 FOLLIN LN SE VIENNA VA 22180-490	01/15/2021



**EXHIBIT "B"**

JULY 9, 2019

MATTHEW SIMMONS JR#66805-019  
FCI YAZOO CITY  
P.O. BOX 5000  
YAZOO CITY MS 39194

ALLY FINANCIAL SERVICES  
P.O. BOX 740241  
ATLANTA GA 30374

RE: DISPUTE  
NAME: MATTHEW SIMMONS  
DOB: 3/24/72  
SSN#: 263-55-7954

Dear Ally:

I did not open any account with Allied Financial; I have been in prison for quite some time. Your inaccurate reporting of this debt is drastically affecting my credit worthiness, please remove this inaccurate information.

Sincerely,

  
Matthew Simmons

cc: file



JULY 20, 2021

MATTHEW SIMMONS JR  
3904 N. DRUID HILLS RD, #224  
DECATUR GA 30033

ALLY FINANCIAL, INC  
500 WOODARD AVENUE, 10<sup>TH</sup> FLOOR  
DETROIT MICHIGAN

RE: ACCOUNT DISPUTE

Dear Ally Financial:

Even though I have provided you concrete evidence you continue to deliberately report inaccurate and false information to the credit bureaus and other vendors. You must stop this now. As I have demonstrated, I was in prison and could not have opened said account. I ask that you stop reporting this negative information to the credit bureaus and remove this negative information from your files and records.

Sincerely,

  
Matthew Simmons

cc: file

DECEMBER 21, 2021

MATTHEW SIMMONS JR  
3904 N. DRUID HILLS RD, #224  
DECATUR GA 30033

ALLY FINANCIAL, INC  
500 WOODARD AVENUE, 10<sup>TH</sup> FLOOR  
DETROIT MICHIGAN

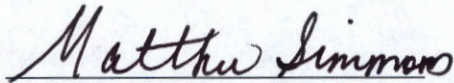
RE: ACCOUNT DISPUTE

Dear Ally Financial:

Even though I have provided you concrete evidence you continue to deliberately report inaccurate and false information to the credit bureaus and other vendors and you have compounded this situation by having your debt collector continuously call and harass me. This must stop

As I have demonstrated, I was in prison and could not have opened said account. I ask that you stop reporting this negative information to the credit bureaus and remove this negative information from your files and records and stop your debt collector from calling me.

Sincerely,

  
Matthew Simmons

cc: file



**EXHIBIT "C"**